

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 CHRISTOPHER EDWARD FERGUSON,

4 Plaintiff

5 v.

6 CHAD BAKER, et al.,

7 Defendants

Case No.: 2:16-cv-01525-APG-NJK

**DISTRICT COURT'S RESPONSE TO
NINTH CIRCUIT'S REFERRAL
NOTICE**

8 The Ninth Circuit Court of Appeals has referred to me the question whether Mr.
9 Ferguson's "in forma pauperis status should continue for this appeal or whether the appeal is
10 frivolous or taken in bad faith." I do not find this appeal to be taken in bad faith. 18 U.S.C.
11 §1915(a)(3). However, the appeal appears to me to be frivolous. Whether that is a sufficient
12 basis to revoke in forma pauperis status under the language of 18 U.S.C. §1915(a)(3), I leave to
13 the Ninth Circuit to decide. *Cf. Hooker v. American Airlines*, 302 F.3d 1091 (9th Cir. 2002).

14 This response is directed to the Ninth Circuit pursuant to Federal Rule of Appellate
15 Procedure 24(a)(3)(A). The clerk of court shall serve this response upon the parties and the
16 Ninth Circuit.

17 DATED this 28th day of August, 2018.



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19 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE